

REMARKS

Applicant thanks the Examiner for the indication of allowable subject matter in claims 38-40, 55-56, 59, and 84-86. Applicant also thanks the Examiner for the telephone interview conducted on December 2, 2004, a summary of which is included in the following paragraph, the remarks that follow, and the associated declaration filed herewith.

Paragraph one of the 105 requirement in the Office Action relates to PC-NAS. With regard to paragraph one, Applicant's representative explained that an investigation into Applicant's own products and services had been conducted and a declaration had been filed on July 13, 2004, disclosing four prior products/services. The Examiner did not have a copy of the declaration, and Applicant's representative agreed to supply another one. A copy is submitted herewith.

Applicant's representative further explained that the PC-NAS text had been removed from the specification because it was believed to be inaccurate, and that PC-NAS was not believed to have been disclosed outside of Language Analysis Systems, Inc. (the assignee) and was not believed to be prior art. The Examiner agreed that the PC-NAS portion of the 105 requirement (paragraph one) could be satisfied by Applicant's submitting a declaration stating that an investigation into PC-NAS had been performed and explaining the results of the investigation. Such a declaration is submitted herewith.

The Examiner confirmed that paragraph two of the 105 requirement relates to Applicant's own products and services, and particularly to a document appearing to be an archive of a Language Analysis Systems, Inc. web-site dated October 21, 1997. With regard to paragraph two, Applicant's representative (i) explained the October 21, 1997, date was less than one year prior to the priority date, (ii) pointed out that documents appearing to be older archives do not contain the products and services described in the October 1997 archive, and (iii) explained that the products and services described in the October 1997 archive are not believed to be prior art. The Examiner agreed that Applicant could satisfy paragraph two of the 105 requirement by including a declaration describing Applicant's position with regard to the products and services identified in the archive document dated October 21, 1997. Accordingly, the declaration submitted herewith includes such a description.

The Examiner and Applicant's representative discussed claim 32's language of (i) "multiple phonetic representations," (ii) "each ... being for a different pronunciation," and (iii) "comparing each ... to a phonetic representation ... of the known name." The Examiner and Applicant's representative also discussed the disclosure of the two cited references (Oshika and Hermansen) and Applicant's representative explained that neither of the cited references teach claim 32. The Examiner asked that Applicant include a explanation of the claim terms in the reply. Moreover, rather than discuss dependent claims in detail, the Examiner further requested that Applicant provide remarks in this reply, and include an explanation of relevant claim terms as appropriate. The following remarks are submitted in satisfaction of these requests.

Claims 32-34, 42-48, 51-52, 76-80, and 88-89 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over Oshika. Applicant respectfully disagrees and focuses the discussion on independent claims 32 and 78, upon which all other rejected claims depend.

Oshika does not disclose or suggest at least "determining multiple phonetic representations for a ... name, each of the multiple phonetic representations being for a different pronunciation of the ... name" (claims 32 and 78). A "phonetic representation" of a name refers to a representation that indicates how the name sounds and, thus, how the name is pronounced (see Appendix F to the specification, pages 2-3). This is in contrast, for example, to a spelling of the name that may allow for multiple pronunciations, correct or incorrect, of the name (see, for example, the discussion of the names "Lutz," "Lough," and "Thompson" on pages 1-3 of App. F). As an example, Appendix F describes that the name "Lutz" may be pronounced so that the name rhymes with either of the words "puts," "cuts," or "shoots" (page 2). The spelling, therefore, does not dictate the pronunciation, whereas a phonetic representation would dictate the pronunciation. Indeed, each of the three possible pronunciations just identified would have a different phonetic representation.

In contrast to "determining multiple phonetic representations," as recited in claims 32 and 78, Oshika describes the generation of spelling variants of a name based on language-specific rewrite rules. By producing spelling variants, Oshika increases the number of names (the variants) that can be input into an existing name search procedure. Yet, Oshika fails to generate phonetic representations.

Hermansen is not applied to claim 32 in the Office Action. However, in the rejection of claim 35 the Office Action appears to assert that Hermansen teaches providing an indication of similarity based on phonetic representations (Office Action at 7). As support for this assertion, the Office Action directs Applicant to pages 15-16, 46-50, and 52-59. Each of these passages describe character-based comparisons rather than comparisons based on phonetic representations. Consequently, Hermansen also fails to meet the limitations of claims 32 and 78.

The claims depending from either of claims 32 and 78 are allowable for at least the reasons discussed above and, accordingly, Applicant does not address all of the Office Action's arguments and characterizations. However, with respect to claims 35, 60, 64, 69, and 73, Applicant presents the following additional remarks.

With respect to claim 35, neither Oshika nor Hermansen disclose or suggest at least "determining articulatory similarity between ... phonetic representations" (claim 35). The Office Action appears to assert that generating phonetic representations suggests determining articulatory similarity (Office Action at 7). Applicant respectfully disagrees. "Articulatory similarity" between phonetic representations refers to a similarity in the manner in which two phonetic representations are uttered (see Appendix F, pages 6-7 and Appendices B and C of Appendix F). The manner of uttering relates, for example, to the shape that the mouth is formed into, and the way in which air passes through the mouth to make a particular utterance (see Appendices B and C of Appendix F). A teaching that phonetic representations can be generated does not teach how those phonetic representations are uttered, nor does it teach "determining articulatory similarity between ... phonetic representations" (claim 35).

The Office Action also appears to assert that Hermansen teaches generating name variants based on phonetic characteristics of a name (see Office Action at pages 6-7, directing Applicant to pages 23-24, 28-30, and 68-83). Applicant respectfully disagrees. These passages describe the generation of a canonical form for a name, the canonical form being, for example, the consonants in the name (see Hermansen at pages 23-24). Canonical forms are designed so that multiple names may map into the same canonical form, and this teaches neither generating variants nor generating phonetic representations.

With respect to claims 60 and 64, neither Oshika nor Hermansen disclose or suggest at least "comparing ... sonority level" (claims 60 and 64). The Office Action appears to assert that

a teaching that phonetic representations can be generated also teaches comparing sonority level (Office Action at 9 and 11, directing Applicant to Hermansen at pages 23-24, 28-30, and 68-83). Applicant respectfully disagrees. “Sonority level” refers to the amount of energy needed to produce a sound (see Appendix F at page 7). As an example, the amount of energy needed to produce the sound associated with a “t” is low compared the amount of energy needed to produce the sound associated with a vowel such as the “a” in fan (see Appendix F at pages 7-8). A teaching that phonetic representations can be generated does not teach how much energy is needed to produce the sounds associated with a phonetic representation, nor does it teach “comparing … sonority level” (claims 60 and 64).

With respect to claim 69, neither Oshika nor Hermansen disclose or suggest at least “comparing … location of stress” (claim 69). The location of stress refers, for example, to the location of the stressed syllable in the name (see Appendix F at page 8). The Office Action directs Applicant to pages 14-41 and 68-137 of Hermansen. Although these cited pages include a large amount of material, they do not appear to describe the location of stress, much less “comparing … location of stress” as recited in claim 69.

With respect to claim 71, neither Oshika nor Hermansen disclose or suggest at least “a likely articulatory variation” (claim 71). A “likely articulatory variation” refers to an articulatory variation that may be considered likely to occur (see Appendix F at pages 5-7). The Office Action directs Applicant to pages 42-83 and 111-137 of Hermansen. Although these cited pages include a large amount of material, they do not appear to describe articulation or articulatory variation, much less a “likely articulatory variation” as recited in claim 71.

Applicant : John Christian Hermansen et al.
Serial No. : 10/055,178
Filed : January 25, 2002
Page : 6 of 6

Attorney's Docket No.: 16441-012002

Applicant submits herewith a declaration as referred to in the above discussion of the 105 requirement. Applicant also submits herewith a copy of Appendices A-N.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: December 21, 2004



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